



## FISCAL MEMORANDUM

### HB 1002 - SB 1500

March 21, 2023

**SUMMARY OF BILL AS AMENDED (006336):** Establishes that, in cases in which a defendant has been sentenced to death and is seeking collateral review of a conviction or sentence, the Attorney General (AG) has exclusive control over the state's defense of the request and that the AG is not bound by any stipulations, concessions, or other agreements made by the district attorney general related to a request for collateral review. Establishes that the trial court lacks jurisdiction to enter a final order granting relief on a request for collateral review in such cases until the AG files a response to the request. Requires the district attorney general and staff to lend whatever assistance may be necessary to the AG in the trial and disposition of requests for collateral review in such cases, including, but not limited to, providing the AG with the district attorney general's case file and any other case-related material.

Entitles the AG to reimbursement, to be paid by the state, for any expenses, including travel, incurred in connection with the preparation and trial of any such proceeding.

Extends, from May 11, 2021, to the effective date of this legislation, the date before which a defendant sentenced to the death penalty may petition the trial court for a determination of whether or not the defendant is intellectually disabled. Requires the defendant who is filing such a motion to serve the AG.

Applies to all currently pending, reopened, and future requests for collateral review.

### FISCAL IMPACT OF BILL AS AMENDED:

#### NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-30-114(a), the district attorney general is reimbursed for any expenses, including travel, incurred in connection with the preparation and trial of any post-conviction proceeding. This expense is paid by the state and is not included in the expense allowance now received by the various district attorneys general.
- The proposed legislation applies the same standard for any expenses incurred by the AG in such proceedings.
- The expenses incurred by a district attorney general and the AG in such cases are assumed to be the same.

- Because the state would be paying for the expenses in these cases whether they were incurred by the district attorney general or by the AG, and the average number of such cases is assumed to remain the same, any fiscal impact related to including the AG's expenses in this provision are estimated to be not significant.
- The remaining provisions of the legislation pertain to legal authorities and the process by which such cases are to proceed in the state. They are not estimated to significantly impact the policies or operations of any district attorney general's office, the AG, or state or local courts.
- Any fiscal impact to the AG related to assuming control over such cases, or to any district attorney general's office related to relinquishing such control, is estimated to be not significant.
- The courts can accommodate any of the relative proceedings within existing judicial resources.
- Any fiscal impact to state or local government is estimated to be not significant.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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